IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7360 OF 2007

Chairman/Secretary
Shri Siddheshwar Sarva Seva Sahakari Society Ltd. ..Petitioner

Vs.

Shri Vishnu Bhimrao Patil ..Respondent

Mr. Machhindra A. Patil for petitioner.
Mr. Shrishail Sakhare for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : November 19, 2007.

P.C.:

1. Heard Mr. Patil the learned counsel for the petitioner-society. The impugned order has been passed by the Labour Court on 5/7/2007 on an application filed under Section 33 C (2) of the Industrial Disputes Act, 1947. It was the case of the respondent-applicant that he was denied the wages at the rates prescribed under the Minimum Wages Act, 1948 for the period from 1/4/1996 to 31/3/1999 and, therefore, he was entitled for the difference in the wages payable to him under the Minimum Wages Act and the actual wages paid. He claimed that he ought to

have received a total amount of Rs.43,456/- as against the actual amount received by him in the sum of Rs.3600/-.

2. The petitioner-society had contested the application and raised a preliminary objection to the maintainability of the application. The learned Judge of the Labour Court has noted that under Rule 67 (2) of the Industrial Disputes (Bombay) Rules 1957 the application was rightly moved. On the second issue the petitioner - society had claimed before the Labour Court that the applicant was not the full time employee and in this regard the document at Exh.U-10 was a notice dated 27/1/1999 and that falsified the claim of the society that the applicant was a part time labour. The said notice indicated that the applicant was working as a 'Mapadi'. The evidence of both the sides was taken into consideration and more particularly the averments in para 6 of the Written Statement at Exh.C-5. The applicant had also brought on record at Exh.U-4 the documents at Sr.Nos.1 to 9 thereby indicating the applicability of the Minimum Wages Act to the petitioner-society.

3. In the circumstances, the impugned order dated 5/7/2007 passed by the Labour Court does not suffer from any errors apparent on the face of the record and hence no case is made out to cause interference in the said order under Article 227 of the Constitution.

4. The petition is rejected summarily.

(B.H. Marlapalle,J.)